

REMARKS

Reconsideration and allowance of the subject patent application are respectfully requested.

Applicant's representative wishes to thank Examiner Neurauter for the courtesy extended during the personal interview on July 14, 2005. The substance of the interview is reflected in the following remarks.

In response to the objection to Figure 10A, Applicant submits herewith a replacement drawing in which the Japanese text in the original drawing is translated into English. Consequently, withdrawal of the objection to the drawings is respectfully requested.

Claims 1-29, 32, 36 and 37¹ were rejected under 35 U.S.C. Section 102(b) as allegedly being anticipated by "the RealAudio document" ("Release Notes: RealAudio Player 2.0 for Windows"). As discussed at the interview, Applicants have, for purposes of expediency only, amended the independent claims to even more clearly distinguish over the Real Audio document.

Claim 1 is directed to a content distribution system in which a content distribution apparatus distributes only within a specified physical area a continuation signal for enabling content to be reproduced continuously, and the content reception apparatus is unable to reproduce the content while the content reception apparatus is outside the specified physical area and unable to receive the continuation signal. As described in connection with a non-limiting, illustrative example embodiment:

...a user entering pseudo closed space 4 can receive refresh signal RF by means of reception apparatus 2 as long as the user is in pseudo closed space 4. The user can thus receive, reproduce and watch content 5 by reception apparatus 2. When the user carrying reception apparatus 2 leaves pseudo closed space 4, the user cannot receive refresh signal RF by means of reception apparatus 2 and accordingly cannot reproduce content 5. In this way, it is possible to prevent the user from taking content 5 out of pseudo closed space 4 without permission. Of course, once the user enters pseudo closed space 4 again, the user can resume reception of

¹ Claims 38-40 are not expressly treated in the office action.

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refresh signal RF and thus reproduce content 5. Specification, page 13, lines 23-32.

As discussed at the interview, the Real Audio player described in the RealAudio document receives and reproduces content distributed over the Internet. However, there is no disclosure of distributing a continuation signal only within a specified physical area as set forth in claim 1.

The office action references the discussion of "Loss Correction" on page 27 of the Real Audio document in connection with the claimed continuation signal. The "Loss Correction" discussion on page 27 is part of a broader discussion of network preferences that may be set in the Real Audio Player. If the Loss Correction preference is checked (i.e., enabled), the Real Audio Player compensates for packets lost in transmission between a server and the computer on which the Real Audio Player is running. If the Loss Correction preference is unchecked (i.e., disabled), the lost packets are simply dropped, that is, there is no compensation. There is no disclosure here of a continuation signal that enables content to be reproduced continuously or of a content reception apparatus that is unable to reproduce content while the content reception apparatus is unable to receive a continuation signal. In addition, nothing in this or any other portion of the Real Audio document is suggestive of distributing a continuation signal (however characterized) only in a specified physical area.

The office action also makes reference to the disclosure in the Real Audio document regarding "real-time audio delivery on demand." See page 3 of the office action. However, the RealAudio document does not appear to provide any detailed description of this feature and Applicants see no apparent relationship between this feature and the claimed continuation signal. Here again, nothing about "real-time audio delivery on demand" is suggestive of distributing a continuation signal only in a specified physical area.

In short, the Real Audio document simply notes that the Real Audio Player does not reproduce content it does not receive. In accordance with the system of claim 1, content would not be reproduced (even if received) unless the continuation signal was

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also received. There is no such disclosure or suggestion in the Real Audio document of such an arrangement.

The comments on page 4 of the office action regarding "predetermined area" were discussed during the above-mentioned interview and the claims have been amended to describe a "specified physical area." As discussed at the interview, Applicants respectfully submit that the Internet, for example, cannot be properly characterized as a "specified physical area".

For at least these reasons, claim 1 cannot be anticipated by the RealAudio document. *See, e.g., Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987) ("A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.")

Claim 2 is directed to a content reception apparatus receiving and reproducing content, wherein the content reception apparatus is unable to reproduce the received content while the content reception apparatus is outside a specified physical area and unable to receive a continuation signal, which is distributed only within the specified physical area. The RealAudio document does not describe a reception apparatus that is unable to reproduce content while it is unable to receive a continuation signal. The office action again references the Loss Correction discussion on page 27 of the RealAudio document in connection with the claimed continuation signal. However, this discussion simply states that packets that are not received are not reproduced. There is no description in this portion of the RealAudio document of a reception apparatus that is unable to reproduce received content if it is unable to receive a continuation signal. Consequently, the Real Audio document does not anticipate claim 2. Here again, there is nothing in the Real Audio document suggestive of conditioning the reproducing of received content on the receiving of a continuation signal that is distributed only within a specified physical area.

Claims 3, 4 and 6-9 depend from claim 2 and are believed to be allowable because of this dependency and because of other patentable features contained therein.

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Claim 10 is directed to a content distribution system including content distribution means for distributing content and continuation signal distribution means for distributing only within a specified physical area a continuation signal which must be received at least periodically by a receiver which receives the distributed content to enable the received content to be reproduced continuously by the receiver. The RealAudio document does not disclose distributing only within a specified physical area a signal which must be received at least periodically by a receiver to enable to receiver to reproduce received content. The office action references the mention of "real-time audio delivery on demand" on page 2 of the RealAudio document in connection with the continuation signal of claim 10. However, the disclosure of an audio delivery on-demand concept is not a disclosure of distributing only within a specified physical area a continuation signal in the manner specified in claim 10. Consequently, the RealAudio document does not anticipate claim 10.

Claims 11, 12 and 14-16 depend from claim 10 and are believed to be allowable because of this dependency and because of other patentable features contained therein.

Claim 17 is directed to a content reception method comprising receiving content and reproducing the received content, wherein reproduction of the received content is impossible in the content reproducing step while reception of a continuation signal, which is distributed only within a specified physical area, for enabling the content to be reproduced continuously is impossible. The RealAudio document does not disclose the impossibility of reproducing received content while it is impossible to receive a continuation signal that is distributed only within a specified physical area as claimed in claim 17. The office action references the Loss Correction discussion on page 27 of the RealAudio document in connection with the continuation signal of claim 17. However, this discussion simply states that packets that are not received are not reproduced. There is no description in this portion of the RealAudio document of the impossibility of reproducing received content while it is impossible to receive a continuation signal that is distributed only within a specified physical area. Consequently, the Real Audio document does not anticipate claim 17.

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Claims 19 and 21 similarly specify the impossibility of reproducing received content while it is impossible to receive a continuation signal that is distributed only within a specified physical area and are likewise not anticipated by the RealAudio document.

Claim 18 is directed to a content distribution method comprising distributing only within a specified physical area a continuation signal which must be received at least periodically by a receiver which receives the distributed content to enable the received content to be reproduced continuously by the receiver. As discussed in connection with claim 10, the RealAudio document does not disclose distributing only within a specified physical area a signal that must be received at least periodically by a receiver to enable the receiver to reproduce received content. Consequently, the RealAudio document cannot anticipate claim 18.

Claims 20 and 22 similarly specify distributing only within a specified physical area a continuation signal which must be received at least periodically by a receiver which receives the distributed content to enable the received content to be reproduced continuously by the receiver. As such, these claims are likewise not anticipated by the RealAudio document.

Claim 23 is directed to a content distribution system comprising at least one content reception apparatus receiving and reproducing distributed content and a content distribution apparatus distributing the content, wherein the content distribution apparatus distributes only within a specified physical area a continuation signal for enabling the content to be reproduced continuously, and the content reception apparatus can reproduce the content only while the content reception apparatus is in the specified physical area and can receive the continuation signal. The RealAudio document does not disclose a content distribution system including a content distribution apparatus that distributes only within a specified physical area a continuation signal and a content reception apparatus that can reproduce content only while it can receive a continuation signal. The office action references the “real-time audio delivery on demand” identification on page 2 of the RealAudio document and the “Receive Audio Via” discussion on page 26 of the RealAudio document in connection with the claimed content reception apparatus

features. The identification of a real-time audio on demand feature does not constitute a disclosure of a distribution apparatus that distributes only within a specified physical area a continuation signal and a reception apparatus that can reproduce content only while it is in the specified physical area and can receive the continuation signal. The “Receive Audio Via” discussion relates to the setting of a preference to receive TCP packets rather than UDP packets. There is no disclosure here of the claimed distribution or reception apparatus. Consequently, the RealAudio document cannot anticipate claim 23.

Claim 24 is directed to a content reception apparatus receiving and reproducing content, wherein the content reception apparatus can reproduce the received content only while the content reception apparatus is in a specified physical area and can receive a continuation signal, which is distributed only within the specified physical area, for enabling the content to be reproduced continuously. The RealAudio document does not disclose such a content reception apparatus. The office action references the “Receive Audio Via” discussion in the RealAudio document in connection with the claimed content reception apparatus. However, this discussion only describes setting a preference to receive TCP rather than UDP packets. There is no disclosure of a content reception apparatus that can reproduce received content only while the content reception apparatus is in a specified physical area and can receive a continuation signal. Consequently, the RealAudio document does not anticipate claim 24.

Claim 25 is directed to a content distribution method comprising distributing content and distributing a refresh signal only within a specified physical area so that a receiver within the specified physical area can receive the refresh signal and a receiver outside the specified physical area cannot receive the refresh signal. A receiver must at least periodically receive the refresh signal in order to reproduce the content it receives. The RealAudio document describes no such content distribution method involving, among other things, distributing a refresh signal within a specified physical area as claimed. Consequently, claim 25 and its dependent claims 26-29, 32, 34 and 35 are believed to be allowable.

Claim 36 is directed to a content reproduction method comprising receiving content at a receiving unit, receiving at the receiving unit a refresh signal which is

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distributed only in a specified physical area, setting a timer of the receiving unit based on the refresh signal, and reproducing the received content for output to a user only during a time period specified by the timer. The RealAudio document discloses no such content reproduction method involving, among other things, receiving a refresh signal which is distributed only in a specified physical area and the setting of a timer based on such a refresh signal. In regard to this claim, the office action references the disclosure on page 1 of the Real Audio document about playing a selected audio file until the file is finished and on page 20 about showing the how long a clip has been playing and the total length of clip. These portions do not disclose or suggest the claimed refresh signal and consequently, claim 36 and its dependent claims 37-40 are believed to be allowable.

Claims 30 and 31 were rejected under 35 U.S.C. Section 103(a) as allegedly being "obvious" over the Real Audio document. The office action acknowledges that the Real Audio document does not disclose distributing the refresh signal in an airplane or a room, but maintains that these differences are found only in "non-functional descriptive material" and are not functionally involved in the steps recited. Applicant disagrees. Claim 25 is a method claim and the recitations of claims 30 and 31 that a refresh signal is distributed in an airplane and a room is not descriptive material, but specifies how the refresh signal is distributed. As such, Applicant submits that the subject matter of claims 30 and 31 is clearly functionally related to the steps of the method and does not involve a "subjective interpretation" of data as suggested on page 19 of the office action. In addition, MPEP Section 2106 identifies "music, literary works and a compilation or mere arrangement of data" as examples of non-functional descriptive material. Specifying the manner in which a signal is distributed as in claims 30 and 31 is clearly of a different nature than these examples of non-functional descriptive material provided in the MPEP. For at least these reasons, claims 30 and 31 are believed to be allowable over the Real Audio document.

Claims 33 and 41 were rejected under 35 U.S.C. Section 103(a) as allegedly being "obvious" over the Real Audio document in view of the Real Audio Server document. The Real Audio Server document is applied for its alleged disclosure of multiple streams. Because the Real Audio Server document does not, among other things, disclose or

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suggest distributing a refresh signal only within a specified physical area as specified in claim 25 (from which claim 33 depends), the proposed combination of the Real Audio document and the Real Audio Server document (even if proper) would not result in the subject matter of claim 33.

Claim 41 is directed to a content distribution method in which, among other things, a refresh signal is distributed only within a specified physical area so a receiver within the specified area can receive the refresh signal and a receiver outside the specified area cannot receive the refresh signal, wherein the refresh signal must be received at least periodically by a receiver in order for that receiver to reproduce the distributed content. No such method is disclosed or suggested by the RealAudio document and/or the Real Audio Server document. Consequently, claim 41 is believed to be allowable.

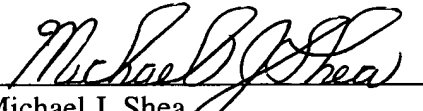
New claims 42 and 43 have been added. The subject matter of these new claims is fully supported by the original disclosure and no new matter is added.

Claim 42 is directed to a content reception method in which content distributed by a content distribution apparatus is received at a receiver. The received content is stored in a storage unit of the receiver and the previously stored content is reproduced using a reproducing section of the receiver only if the receiver is within a specified physical area and receives a refresh signal distributed only within the specified physical area. The reproducing of the previously stored content by the reproducing section is prevented if the receiver is outside the specified physical area and cannot receive the refresh signal. Applicant respectfully submits that this method is not disclosed or suggested by the documents applied in the office action and consequently claim 42 and its dependent claim 43 are believed to be allowable.

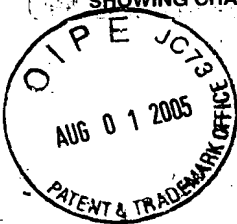
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The pending claims are believed to be allowable and favorable office action is respectfully requested.

Respectfully submitted,
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Once upon a time, there was a poor man. On a snowy day in winter, he heard a strange noise on the way home. Going to a field for locating the source of the noise like a groan, he found a crying rabbit.

FIG. 10A

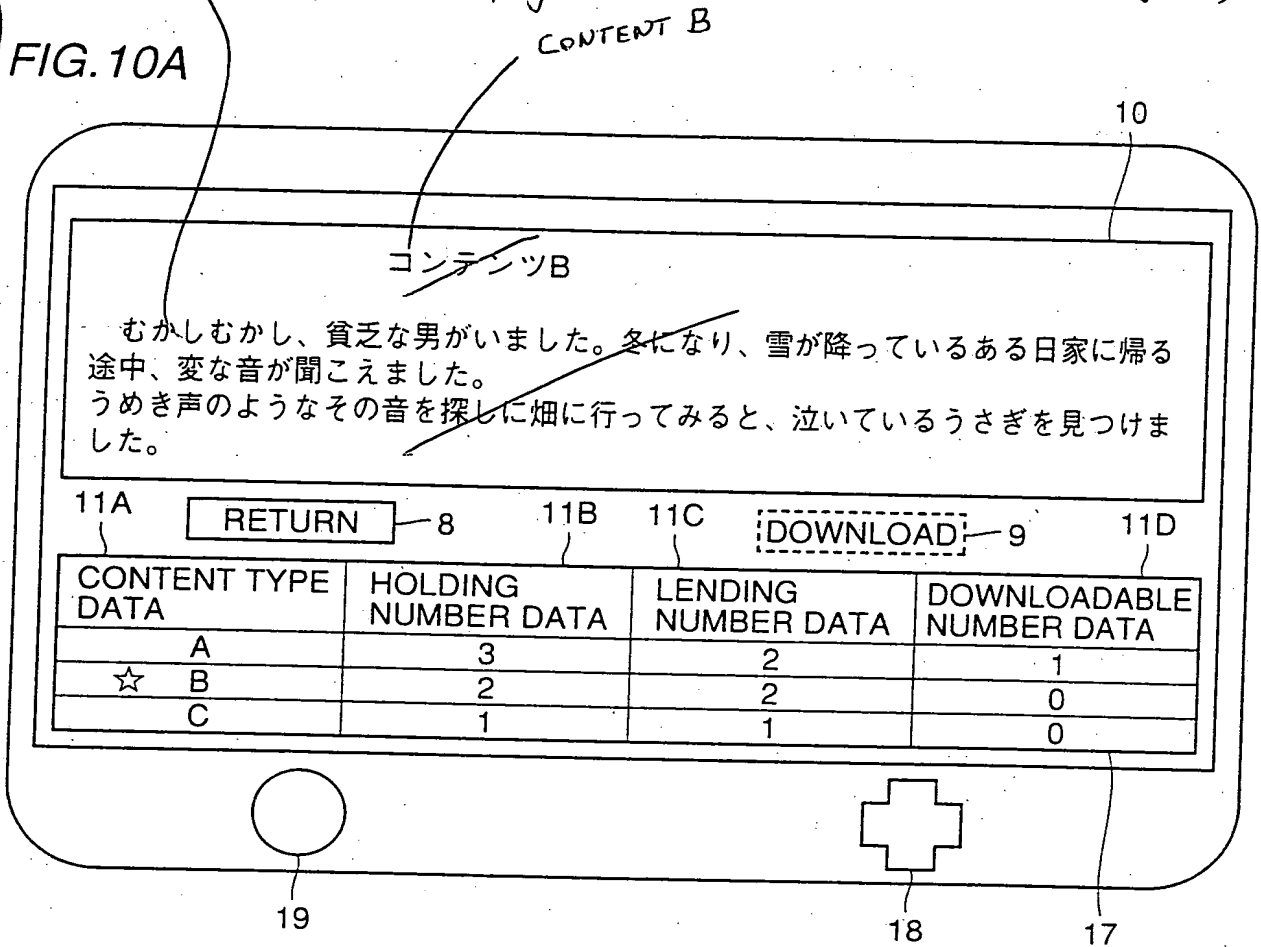


FIG. 10B

